

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

November 21, 2011 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Chad Mitchell, Chairman
Carl Ford, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Jim Sides, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Mitchell convened the meeting at 6:00 pm.

Commissioner Ford provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the November 7, 2011 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Barber moved to add an update from Staff regarding the recommendation from Committee B as related to the Fire Protection Ordinance. The motion was seconded by Commissioner Coltrain and passed 3-2 with Commissioners Ford and Sides dissenting.

Chairman Mitchell added the issue as agenda item #5b.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Coltrain moved, Commissioner Barber seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Sides referred to item D on the Consent Agenda. Commissioner Sides said there was a blank on the top of page 12 under item #8 that should have the figure of 5% listed (for the community college).

Chairman Mitchell commented regarding Consent Agenda item B, which pertained to the challenge of the census results. Chairman Mitchell asked Commissioner Ford if he, as the County's legislative liaison, would inquire as to whether the results would have an impact for the reapportionment for the NC House or Senate. Commissioner Ford responded that it was a possibility. Commissioner Ford said he was informed that if between 800 and 1,000 people were found, it could change the districts. Commissioner Ford said there could be an additional 2,144 housing units located in 127 different census tabulation blocks.

Commissioner Sides moved approval of the Consent Agenda. The motion was seconded by Commissioner Ford and passed unanimously, with the change as stated by Commissioner Sides.

The Consent Agenda consisted of the following:

- A. Debt Write-Off for Health Department
- B. Resolution Authorizing An Official Census Count Question Resolution Challenge on Behalf of Rowan County

WHEREAS, the Rowan County Board of Commissioners recognizes the importance of the 2010 Census in establishing housing and population related characteristics for the United States as well as state and local governments; and

WHEREAS, the Rowan County Board of Commissioners desires to have a population and housing count representative of the County for April 1, 2010; and

WHEREAS, there is an apparent discrepancy in the housing counts established by the Census Bureau for Rowan County in 2010 as compared to those recognized by the County; and

WHEREAS, the Rowan County Board of Commissioners has authorized the Rowan County, NC Planning Department to submit a coverage challenge on behalf of the County that includes certification of livable housing units as of April 1, 2010 ; and

NOW, THEREFORE BE IT RESOLVED that the Rowan County Board of Commissioners formally requests the Census Bureau to consider the coverage challenge information submitted and resolve the population and housing counts for the County as appropriate.

- C. Rules of Organization for Home Community Care Block Grant Advisory Committee

- D. Resolutions for Refunding Bonds, Series 2011 and Community College Bonds, Series 2011 (attached to and made a part of these minutes)
- E. Purchase Roll-off Truck for Environmental Management

2. PUBLIC COMMENT PERIOD

Chairman Mitchell opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Dr. Bryant Norman, Jr. – President of Rowan Salisbury branch of the NAACP, spoke in opposition of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- Valeria Levy spoke in opposition of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- John Steele, a member of the Board of Elections, spoke in opposition to agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- Karen Puckett spoke in opposition of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- Larry Wright spoke in support of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- Greg Edds spoke in support of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).
- Tina Hall said it appeared the Board was being pressured to make substantial financial obligations in a “hurry up” manner. Ms. Hall said the Board’s goal should always be one of open government and goodness and not about decisions made behind closed doors.
- John Bare spoke in support of agenda item #4 (consider approval of resolution for legislative request to introduce a local bill requiring voter identification prior to voting in local elections).

With no one else wishing to address the Board, Chairman Mitchell closed the Public Comment Period.

3. PUBLIC HEARING FOR MAJORITY PETITION FOR STONE CASTLE WAY

Planning Technician Fredda Greer reported that property owner, Lynne Parette, called the Planning Office to inquire as to the procedure to change the name of the road, Berkhamstead Lane. Ms. Parette had discussed the difficulty in the pronunciation and spelling of the road name. Ms. Parette also noted that she and her husband were the only private citizen owners of one lot in the subdivision

with the majority being owned by the Bank of North Carolina (represented by Mark Lewis' signature), and one lot owned by Cabarrus Bank and Trust Company. Ms. Greer reported that Mr. Lewis had no problems with changing the road name and had signed the petition. Ms. Greer said the road name was acceptable to Staff and to the Telecommunications Department.

Chairman Mitchell opened the public hearing to receive citizen input regarding the proposed road name change. With no one wishing to address the Board, Chairman Mitchell closed the public hearing.

Commissioner Sides moved, Commissioner Barber seconded and the vote to approve the road name change from Berkhamstead Lane to Stone Castle Way passed unanimously.

4. CONSIDER APPROVAL OF RESOLUTION FOR LEGISLATIVE REQUEST TO INTRODUCE A LOCAL BILL REQUIRING VOTER IDENTIFICATION PRIOR TO VOTING IN LOCAL ELECTIONS

Chairman Mitchell said the resolution in the agenda packet had been forwarded from Gaston and Davidson counties, who had passed similar resolutions. Chairman Mitchell also mentioned a letter the Commissioners received from the Board of Elections, in addition to emails from others. Chairman Mitchell said the email forwarded from the County Attorney referenced voting percentages for Rowan County. Chairman Mitchell said while the County may not currently have voter identification fraud, it would only take one instance of voter fraud to have a serious impact on an election. Chairman Mitchell said he would personally like to see information as to how much it would cost to implement a voter identification program and how it would affect the Board of Elections. Chairman Mitchell said he supported the concept and possibly the resolution, contingent on more information coming back to the Board.

Commissioner Coltrain said in theory he agreed it should be known as to whom was participating in the election process. Commissioner Coltrain mentioned the election process in Australia where he said people were fined if they did not vote. Commissioner Coltrain said he would reserve his vote on the matter until he had more information as to how the voter identification process would be implemented. Commissioner Coltrain said he had no problem with the idea in principle; however, he did not wish to deter people from voting.

Commissioner Sides said he supported a measure to ensure there was no fraud in elections. Commissioner Sides mentioned the recent election for the Town of Landis and pointed out that one vote would have changed the outcome in Landis' election. Commissioner Sides felt it was important to know that the people who were voting "are who they say they are" and he supported some sort of voter identification. Commissioner Sides said if it had not been for the comments made, he would have moved approval of the resolution; however, he was willing to wait and have the item placed back on the agenda for December 5, 2011.

Commissioner Ford said he supported the resolution as presented and he supported voter identification.

Commissioner Coltrain asked if the state legislators were discussing the issue and Chairman Mitchell reported that Senate Bill 595 was passed by both Houses of the General Assembly and it was vetoed by the Governor.

Commissioner Coltrain said he would like to see the General Assembly address the issue.

Chairman Mitchell said he had heard the cost to implement the program was estimated at \$650,000 and would not want the \$650,000 costs to be passed to the counties.

Commissioner Barber said there were two (2) of the County's legislators in the audience and he had questions that might be best addressed by them.

Commissioner Barber asked for a general idea as to how important Representatives Steen and Warren felt the resolution was in keeping their efforts moving forward in the General Assembly. Representative Steen responded that only four (4) votes were needed to override the veto. Representative Steen said it was helpful anytime support was provided at the local level for issues being considered.

Commissioner Barber referred to the upcoming short session and asked if the voter identification bill would be considered. Representative Steen said certain issues could be expedited if need be and that he felt the voter identification program was an important issue for North Carolina. Representative Steen said he supported the issue and that a way should be found to get it passed, whether locally or statewide.

Representative Warren said he supported voter identification. Representative Warren said leadership was working hard to override the veto and that it was always good to have the support of the local community. Representative Warren said there was plenty of time to obtain the information mentioned and that the resolution would be supportive of the County's delegation on the initiative.

Commissioner Barber said he would like to amend the last paragraph in the resolution. Commissioner Barber moved to add the following statement after the words North Carolina General Assembly, "and leadership of Rowan County Republican and Democratic parties for their consideration". The motion was seconded by Commissioner Ford.

Commissioner Coltrain asked if the feedback should be received from both parties before the Board acted on the resolution. Commissioner Barber responded that in realizing there were potential costs coming back to the

counties, he would like to see more information brought to the Board on December 5, 2011.

Commissioner Coltrain asked for clarification as to whether Commissioner Barber wanted to receive the additional information before voting on the resolution and Commissioner Barber said yes.

Commissioner Ford said he wished to withdraw his second to the motion if the original motion was being changed.

Commissioner Barber said the motion was to add a statement to the resolution as is. Commissioner Ford said he had seconded the motion.

Chairman Mitchell said he understood that if the motion was voted on and passed, the Board would amend the resolution as indicated by Commissioner Barber and the Board would take action to send the resolution to the local legislative delegation, the other 99 counties, and the leadership of the Rowan County Republican and Democratic parties. The resolution requests a local bill that would implement voter identification.

Commissioner Coltrain moved to table the matter until January in order to give the respective political parties time to provide feedback. The motion died due to lack of a second.

Chairman Mitchell asked Representatives Steen and Warren if a local bill were passed, whether it would be permissive legislation or required legislation. Representative Steen said the legislation could be written either way.

Chairman Mitchell then asked Commissioner Barber if he would consider adding permissive to the motion and Commissioner Barber responded yes. The amendment was seconded by both Commissioners Sides and Ford.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Coltrain dissenting.

5. CONSIDER APPROVAL OF CONSTRUCTION OF A COMMUNITY HANGAR

County Manager Gary Page reported that during the past six (6) weeks, the Rowan County Airport Advisory Board (AAB) had been discussing the benefits of constructing a new community hangar. The hangar would be available for both general and corporate aviation clients. The Airport currently has 2-3 hangar vacancies with nothing available for corporate clients.

Mr. Page said the estimated cost for a hangar was \$1.3 million and if financed by the County over 12 years, the annual payment would be approximately \$110,000. The hangar rental and taxes for the planes housed would be

approximately \$60,000 per year. Mr. Page said the County would make up the shortfall.

Mr. Page said the AAB would like for the Commissioners to commit to the project by authorizing Talbert and Bright to move forward with the necessary plans and building of the project.

Carl Ellington, Engineer with the firm of Talbert and Bright, provided a power point presentation and explained the cost, future use, location and project budget. Mr. Ellington said the request was consistent with the County's 20-year Airport Master Plan.

Chairman Mitchell said the request before the Board was to approve a \$1.3 million budget for the hangar space.

Mr. Page said the County might possibly be able to offset other associated costs by partnering with the North Carolina Department of Transportation (DOT) in regards to the road and with the City of Salisbury (City) pertaining to the water line.

Commissioner Ford felt the City would work with the County since the City had annexed the Airport and was receiving half of the tax revenue.

Commissioner Sides said a portion of the taxes were paid into a fund that could be used for airport development and could probably be tapped. Commissioner Sides discussed the number of requests for hangar space and also the advantages to having a larger hangar readily available to accommodate two (2) large planes. Commissioner Sides said the airport was one of the greatest economic development tools in the County and he commended the Economic Development Commission Staff for their working relationship with airport personnel.

Commissioner Coltrain questioned the projected useful life of the hangar and Mr. Ellington responded a minimum of thirty (30) years.

Commissioner Coltrain asked if the County had a plan to cover all associated costs in the event the other parties did not assist with the project.

Mr. Page said the figures provided were estimates and the County would not know the true costs until the plans were drawn and put out to bid. Mr. Page said if the Board chose to move forward, it would probably take 3 to 4 months to draw the plans. In the meantime, Mr. Page said the County could contact the DOT and the City. Mr. Page suggested the Board move forward with drawing the plans and putting the project out to bid.

Commissioner Barber asked how much the project would require out of the current budget and Mr. Page estimated the engineering fees, soil surveys, etc. would cost approximately \$100,000.

Commissioner Barber questioned whether the clients interested in the project could be named, or, if a letter of intent could be obtained from the parties that had expressed an interest. Commissioner Sides pointed out that one (1) jet valued at \$5 million would generate \$30,000/year in revenue. Mr. Page added that if the Board approved moving forward with the project, the clients could be contacted regarding a letter of intent.

Commissioner Barber said he supported the idea conceptually; however, he felt the \$100,000 would go a long way in adding staff to the 911 Center and fund a lot of teaching positions. Commissioner Barber said he felt uncomfortable committing the amount when the County's audit report had not yet been received. Commissioner Barber mentioned employee satisfaction, the voter identification program and the proposed central office for the school system and said he felt the Board should conduct a planning retreat in order to prioritize the projects.

Commissioner Barber moved to table a decision until after the Board received the audit report on December 5, 2011.

Commissioner Coltrain felt the Board should move forward with the process.

The motion died due to lack of a second.

Commissioner Ford agreed the \$100,000 would go a long way in providing for 911 Staff, teaching positions, etc; however, he pointed out those would be recurring expenses. Commissioner Ford said the request before the Board was a one-time expense and would generate revenue.

Commissioner Coltrain moved to approve the request to begin the planning process and ask the County Manager to bring the additional information back to the Board for a commitment. The motion was seconded by Commissioner Sides.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Barber dissenting.

Addition

Update from Staff Regarding Fire Protection Ordinance Recommendations

Planning and Development Director Ed Muire discussed the proposed Fire Protection Ordinance. Mr. Muire recalled that the issue was referred to the Planning Board and then to Committee B of the Planning Board. Mr. Muire reported that Committee B had met in October and November to discuss the draft proposal.

Mr. Muire said the Committee's proposal was to not institute the draft ordinance proposed by the Fire Marshal's Office. Mr. Muire said the Committee felt using the current criminal penalty process for violation of any county ordinance would be sufficient for the Fire Marshal's Staff to enforce the program.

Mr. Muire said the Planning Board would hold a workshop on November 22, 2011 to discuss the draft ordinance, as well as the draft proposal for the East Rowan Land Use Study.

In response to a query from Commissioner Barber, Mr. Muire confirmed Committee B's recommendation was to "do nothing;" however, Mr. Muire said the full Planning Board had not discussed the recommendation.

Chairman Mitchell said the Commissioners had referred the matter to the Planning Board and any recommendations would come back to the Commissioners for consideration. Chairman Mitchell said any changes would require a public hearing.

6. ADJOURNMENT

There being no further business to come before the Board, Commissioner Sides moved to adjourn at 7:24 pm. The motion was seconded by Commissioner Ford and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager